

FINAL TEXT OF PROPOSED REGULATIONS

In the following, underline indicates added text and strikethrough indicates deleted text.

3000. Definitions

The definition below is alphabetically merged in the regulations and is amended to read:

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Program failure means any inmate who generates a significant disciplinary history within the last 180 days from ~~of the date of discovery for the most current rule violation report date.~~ A guilty finding for two ~~S~~serious Rules Violation Reports or one serious and two administrative Rules Violations Reports within that 180 days time period is reasonable evidence of a significant disciplinary history and may be considered a program failure.

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3040. Participation.

Subsection 3040(a) is amended to read:

(a) Every able-bodied person committed to the custody of the ~~Director of Corrections~~ Secretary of the Department of Corrections and Rehabilitation is obligated to work as assigned by department staff and by personnel of other agencies to whom the inmate's custody and supervision may be delegated. Assignment may be to a full day of work, education, or other program activity, or to a combination of work and education or other program activity.

(b) Inmates assigned to a physical fitness program as part of a work incentive program shall be held to the same obligations/participation requirements governing other vocational, educational, or work assignments.

Subsection 3040(c) is amended to read:

(c) Except as provided in sections 3040.2(d) and 3040(e), Aa classification committee shall assign each inmate to an appropriate work, education, vocation, therapeutic or other institution program, taking into account the:

- (1) Inmate's expressed desires and needs.
- (2) Inmate's eligibility for and availability of the desired work or program activity.
- (3) Institution's security and operational needs.
- (4) Safekeeping of the inmate.
- (5) Safety of persons and the general public.

(d) Despite an inmate's assignment to a program mutually agreed upon program in a classification committee hearing, or pending such a hearing, or pending assignment to a designated program, or during any period when the designated program is temporarily suspended, or in the absence of the inmate's agreement to participate in any program activity, any able-bodied inmate may be assigned to perform any work deemed necessary to maintain and operate the institution and its services in a clean, safe and efficient manner. Operational needs may always override a program assignment.

Subsection 3040(e) is amended to read:

(e) Inmates assigned to clerical duties and office work positions, requiring an extensive amount of staff/inmate interaction, such as clerks and teachers' aides, shall be rotated at regular intervals to other positions within the institution even though that may result in lower pay, or no pay at all, to the inmate being rotated out of the position. The institution head shall determine the rotation schedule based upon security needs of the institution. Assignments to such positions shall not exceed a two-year period. Routine rotation shall not affect the inmates' work/training group designation, although it may

divest the inmate of a paid position. ~~Inmates not rotated directly to another position shall continue to earn “S” time pursuant to Section 3045.3(b)(14).~~

Subsections 3040(f) through 3040(l) are unchanged.

NOTE: Authority cited: Sections 2700 and 5058, Penal Code. Reference: Section 1182, Labor Code; and Sections 502, 2079, 2702, 2933, 5054 and 5068, Penal Code.

3040.1. Substance Abuse Programs for Inmates.

Section 3040.1 is unchanged.

New section 3040.2 is adopted to read:

3040.2. Bridging Education Program.

(a) Each prison shall establish Bridging Education Programs as work/training incentive assignments to provide education programming. Inmates who are undergoing reception center processing, and are day-for-day credit eligible per Penal Code section 2933, will be assigned to the Bridging Education Program upon their arrival at the reception centers. Inmates who are day-for-day credit eligible, who are housed in general population institutions, will be eligible to be assigned to the Bridging Education Program.

(b) An inmate’s participation in the Bridging Education Program will be evaluated on course curriculum, instructor evaluation, and completed assignments. Assignment to an approved Bridging Education Program shall qualify as a full-time assignment in Work Group A-1.

(c) Inmates with the following case factors shall not be placed in Bridging Education Programs:

(1) Inmates who do not meet the criteria to earn day-for-day credits per Penal Code section 2933, or are sentenced to an indeterminate term, who are undergoing reception center processing.

(2) Inmates who do not meet the criteria to earn day-for-day credits per Penal Code section 2933, or are sentenced to an indeterminate term, who are housed at a general population institution.

(3) Inmates who are housed in segregated housing (e.g., Administrative Segregation Unit, Security Housing Unit, Psychiatric Services Unit, etc.).

(4) Inmates housed in facilities where the Bridging Education Program is not available (e.g., Community Correctional Facilities, Department of Mental Health, etc.).

(d) The reception center Inmate Assignment Officer shall have the authority to initiate a classification action to assign inmates to reception center Bridging Education Programs and affect a work/training group change. When taking such an action, notification and classification procedural safeguards as described in sections 3375(e) and 3375(f) of these regulations shall not be required.

(e) General population inmates may be assigned to Bridging Education Programs following a classification committee review as detailed in section 3376.

(f) A classification committee action shall not be required to remove inmates from Bridging Education Programs if no other changes in work/training group, custody designation or work waiting list is required.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 2933, Penal Code.

3041. Performance.

(a) Inmates must perform assigned tasks diligently and conscientiously. Inmates must not pretend illness, or otherwise evade attendance or avoid performance in assigned work and program activities, or encourage others to do so.

(b) Inmates must report to their place of assignment at the time designated by the institution's schedule of activities and as instructed by their assignment supervisor. Inmates may not leave an assignment without permission to do so.

Subsection 3041(b)(1) is amended to read:

(1) Time and payroll credits for paid inmate workers shall be documented on ~~timekeeping cards and~~ logs maintained by work supervisors in accordance with section 3045.

(2) The duration of an unauthorized absence from a compensated assignment shall be documented and under no circumstances shall an inmate be paid under the authority of section 3041.2 for time not worked.

Subsections 3041(c) through 3041(e) are unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and Sections 2297, 2318, 2320 and 1798 et seq., Civil Code.

3043. Credit Earning.

Presentence. Credit for time served on a term prior to sentencing shall be awarded by the sentencing court pursuant to sections 2900.1, 2900.5 and 4019 of the Penal Code.

(a) Behavior. All inmates serving a determinate term of imprisonment for a crime committed before January 1, 1983, who have not waived the time credit provisions of Penal Code section 2931, shall be credited with a one-fourth reduction on their term of imprisonment, unless all or part of such good behavior credit is denied or forfeited as the result of disciplinary action in the amounts listed in section 3323. Such credit shall be calculated from July 1, 1977 or the date of reception by the department, whichever is later.

Subsection 3043(a)(1) is amended to read:

(1) Except where otherwise prohibited by law, inmates sentenced under Penal Code section 190 to an indeterminate term of 15 years-to-life or 25 years-to-life and received by the department on or after May 27, 1987 shall be credited with a one-fourth reduction on their minimum eligible parole date, unless all or part of such good behavior credit is denied or forfeited as the result of disciplinary action in the amounts listed in section 3323.

(b) Participation. All inmates described in subsection (a) shall be credited with a one-twelfth reduction on their term unless all or part of such participation credit has been denied or forfeited as the result of disciplinary action for failure or refusal to participate and perform work and/or program assignments as ordered or directed.

(c) Work Time.

(1) Inmates who have received involuntary civil commitment for narcotic addiction for an offense perpetrated on or after January 1, 1983 are not entitled to credits for good behavior or participation. Good time/participation credits shall not be calculated for new commitments received on or after August 31, 1995. Time shall be calculated in accordance with the entire sentence imposed by the court including any presentence or postsentence credits which have been granted.

(2) Civil Addict Commitments received prior to August 31, 1995 who are confined at California Rehabilitation Center (CRC) or a branch of CRC and are within 90 days of reaching their Custody Expiration Date (CED) which precedes their Program Expiration Date (PED); outpatients who are returned to CRC or a branch of CRC; and outpatient violators received prior to August 31, 1995 who have not previously elected to continue participation in the Civil Addict program shall be given two options:

(A) Remain in the Civil Addict Program, or

(B) Request exclusion from the Civil Addict Program and referral to the committing court for the vacating of Civil Addict Commitment and further proceedings on the criminal charges.

(3) The inmate's choice shall be indicated and signed utilizing the CDC Form 1840 (Rev. 12/95).

Subsection 3043(c)(4) is amended to read:

(4) Except where otherwise prohibited by law, Inmates serving a determinate term of imprisonment for a crime committed on or after January 1, 1983, or who have waived their right to behavior and participation credits as provided in Penal Code section 2934, may earn a reduction in their term of imprisonment from the date of reception by the department or effective date of the waiver. Such credit reduction may be earned for participation in work, educational or vocational training assignments.

Subsection 3043(c)(5) is amended to read:

(5) Case records staff shall process and calculate inmate time credits and release dates based upon information provided by the courts, and program staff ~~and work/training supervisors~~.

(A) Any classification or inmate appeal action affecting an inmate's release date, including a change in work group status or credit forfeitures and restorations, shall be forwarded to case records staff. Inmates shall be provided a copy of any change in their release dates.

Subsection 3043(c)(5)(B) is amended to read:

(B) Case records staff shall compute worktime credits, ~~at six month intervals from the date of the most recent computation.~~ The resultant new legal status ~~sheet~~ summary (LSS) shall be forwarded to the inmate. The inmate shall sign a receipt for each LSS provided.

(d) Life-term inmates.

Subsection 3043(d)(1) is amended to read:

(1) Pursuant to PC section 2933, worktime credits shall be applied to reduce the minimum terms of life inmates sentenced only under PC sections 191.5(d), 217.1(b), 667.51(d), 667.7(a)(1) and PC 667.75.

(2) Inmates sentenced to life terms with determinate sentence law (DSL) enhancements or with a consecutive DSL term shall, except where otherwise prohibited by law, be eligible to receive worktime credits on such terms pursuant to PC section 2933.

(e) Jail confinement. A reentry inmate who is confined in a local jail pending an investigation or disciplinary action, shall be classified and placed in an appropriate work group pursuant to section 3045.1.

(f) Return from work furlough. An inmate returned to an institution due to disciplinary action or refusal to participate in assigned work, education or vocational assignment shall be placed in work/training group A-2, one-third credit earning, or to group C (non-credit earning) by a re-entry classification committee.

Subsection 3043(g) is amended to read:

(g) Credits for interstate transfer inmates. The Western Interstate Corrections Compact and the Interstate Corrections Compact Agreement enable the Department to transfer and exchange prisoners with other states.

Subsection 3043(g)(1) is amended to read:

(1) ~~An inmate placed in an institution of another~~ who agree to serve their term in another state or a federal institution, or who are serving a concurrent term in another jurisdiction, shall be eligible to earn worktime credits ~~under the same conditions as if confined in a California facility~~ as authorized under the provisions of Penal Code section 2933.

(2) Before such credit can be awarded, the inmate's work/program participation must be verified by a delegated official of the host institution and reported to the department.

(h) Heroic acts and exceptional assistance. Up to 12 months reduction of sentence may be awarded for the following acts:

(1) Acts preventing loss of life or injury to the public, staff, or other inmates.

(2) Acts preventing significant loss or destruction of property.

(3) Providing sworn testimony in judicial proceedings involving prosecution of a felony offense which occurred within the prison.

NOTE: Authority cited: Sections 2700 and 5058, Penal Code. Reference: Sections 2931, 2933, 2935, 5054, 6260, 11189 and 11190, Penal Code; Section 3201, Welfare and Institutions Code; *In re Monigold*, 205 Cal. App. 3d 1224, and *People v. Jones*, 44 Cal. Rptr.2d 164 (Cal. 1995).

3043.1. Waiver.

Section 3043.1 is unchanged.

3043.2. Loss of Participation Credit.

Section 3043.2 is unchanged.

3043.3. Loss of Behavior or Worktime Credit.

(a) As used in these regulations, "forfeiture" of credits means loss of credits previously earned or to be earned. Behavior or worktime credit may be denied or forfeited for the commission of any felony or misdemeanor, whether prosecuted or not, serious rule violation committed after January 1, 1983, or court judgment pursuant to Penal Code Section 2932.5.

(1) Not more than 360 days of credit shall be denied or forfeited for any act specified as a division A-1 offense in section 3323(c), of these regulations.

(2) Not more than 180 days shall be denied or forfeited for any act specified as a division A-2 offense in section 3323(d) of these regulations or for any other felony not cited in subsection (a)(1).

(3) Not more than 90 days shall be denied or forfeited for commission of any misdemeanor.

Subsection 3043.3(a)(4) is amended to read:

(4) Not more than 30 days shall be denied or forfeited for any single act described as a serious rule violation in ~~section 3315~~ of these regulations, unless such act is a misdemeanor or felony offense.

(5) An inmate found by a court to be a vexatious litigant as defined in Section 3000 shall be denied or lose 30 days of worktime credit.

(b) No behavior credit attributable to any portion of a sentence served prior to January 1, 1983 shall be forfeited for any criminal or disciplinary offense occurring on or after January 1, 1983.

(c) Credit loss shall be assessed in accordance with the schedule provided in section 3323. The inmate shall be notified of the change in his or her anticipated release date due to the denial or forfeiture of credits.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2932, 2932.5, and 5054, Penal Code.

3043.4. Non-Credit Earning.

With the deletion of subsection 3043.4(b), subsection 3043.4(a) is renumbered to 3043.4 and amended to read:

~~(a)~~ An inmate eligible to earn worktime credit who refuses a full-time qualifying assignment, or is placed on non-credit earning status (Work Group C) by a classification committee for frequent work/training violations, shall not receive a worktime credit reduction from their sentence until the inmate agrees to accepts a qualifying assignment.

Subsection 3043.4(b) is deleted.

~~(b) An inmate not authorized to be absent from his or her assignment or who does not complete the minimum number of work hours in any work day, shall be denied worktime credit for that day.~~

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2931, 2932, 2933, 5054 and 5068, Penal Code.

3043.5. Credit Earning Special Assignments.

(a) Special assignments include:

(1) Inmate advisory council. The positions of chairperson and secretary of an institution's inmate advisory council may be full-time positions in Work Group A-1.

(2) Prerelease program. Assignment to an approved full time pre-release program shall qualify as full time assignment in Work Group A-1.

New subsection 3043.5(a)(3) is adopted to read:

(3) Bridging Education Program. Assignment to an approved Bridging Education Program as described in section 3040.2, shall qualify as a full-time assignment in Work Group A-1.

(b) Medical/psychiatric inpatient hospitalization (29 calendar days or less). Inmates determined by medical/psychiatric staff to need short-term inpatient care shall retain their existing credit earning category. Inmates requiring longer periods of inpatient care shall be referred by the attending physician/psychiatrist to a classification committee. The

classification committee shall confirm the inmate's unassigned inpatient category and change the inmate's work/training group status as follows:

Subsection 3043.5(b)(1) is amended to read:

(1) General population inmates shall be placed in Work Group A-2, effective the thirtieth day of unassignment ~~upon exhaustion of their accrued ETO.~~

Subsection 3043.5(b)(2) is amended to read:

(2) Segregation inmates who are in Work Group A-1 or B shall be placed in Work Group D-1, effective the first day of placement into Administrative Segregation ~~upon the exhaustion of their accrued ETO.~~

(3) Segregation inmates in Work Group D-1 or D-2 shall retain their Work Group status.

(c) Long term medical/psychiatric unassigned status. In cases where the health condition necessitates that the inmate becomes medically unassigned for 30 calendar days or more, the physician shall specify an anticipated date the inmate may return to work. The classification committee shall review the inmate's medical or psychiatric unassigned status and change the inmate's Work Group status as follows:

Subsection 3043.5(c)(1) is amended to read:

(1) An inmate in the general population shall be changed to Work Group A-2, involuntary unassigned, to be effective the thirtieth day of unassignment ~~upon exhaustion of the accrued ETO.~~

Subsection 3043.5(c)(2) is amended to read:

(2) An inmate in a lockup unit who is in Work Group A-1 or B shall be changed to Work Group D-1 to be effective the first day of placement into Administrative Segregation ~~upon the exhaustion of the accumulated ETO.~~

(3) An inmate in a lockup unit who is in Work Group D-1 or D-2 shall be retained in their respective Work Group.

Existing subsection 3043.5(d) is renumbered to 3043.5(e)

New subsection 3043.5(d) is amended to read:

(d) Medical/psychiatric health care status determination:

(1) When an inmate has a disability that limits his/her ability to participate in a work, academic, vocational or other such program, medical/psychiatric staff shall document the nature, severity, and expected duration of the inmate's limitations on a CDC Form 128-C (Rev. 4/92), Chrono-Medical, Psych, Dental. The medical/psychiatric staff shall not make program assignment recommendations or decisions on the form. The CDC Form 128-C shall then be forwarded to the inmate's assigned correctional counselor who will schedule the inmate for a classification committee review. The classification committee shall have the sole responsibility for making program assignment and work group status decisions. Based on the information of the CDC Form 128-C and working in conjunction with staff from the affected work area, academic/vocational program, and the Inmate Assignment Lieutenant or Work Incentive Coordinator, the classification committee shall evaluate the inmate's ability to participate in work, academic, vocational, or other programs and make a determination of the inmate's program assignment and work group status.

(2) Only when the inmate's documented limitations are such that the inmate, even with reasonable accommodation, is unable to perform the essential functions of any work, academic, vocational or other such program, will the inmate be placed in one of the two following categories by a classification committee:

(A) Temporary medical/psychiatric unassignment. Except as provided in section 3043.5(e)(2)(A), when a disabled inmate is unable to participate in any work, academic, vocational or other program, even with reasonable accommodation, because of a medically determinable physical or mental impairment that is expected to last for less than six months, the classification committee shall place the inmate on temporary medical/psychiatric unassignment. Inmates on temporary medical/psychiatric unassignment status shall be scheduled for classification review any time there is a

change in his/her physical/mental impairment or no less than every six months for reevaluation. The credit earning status of an inmate on temporary medical/psychiatric unassignment for less than six months shall be in accordance with section 3044(b)(3), Work Group A-2. If the inmate's condition lasts six months and the classification committee still cannot assign the inmate due to his/her impairment, the credit earning status shall be changed to be in accordance with section 3044(b)(2), Work Group A-1 and appropriate privilege group retroactive to the first day of the temporary medical/psychiatric unassignment.

(B) Medically disabled. When an inmate is unable to participate in any assigned work, academic, vocational, or other such program activity, even with reasonable accommodation, because of a medically determinable physical or mental impairment that is expected to result in death or last six months or more, the classification committee shall place the inmate on medically disabled status. The inmate credit earning status shall be in accordance with section 3044(b)(2), Work Group A-1 and Privilege Group A.

Existing subsection 3043.5(d) is renumbered to 3043.5(e).

~~(d)~~ Medical/psychiatric special assignments:

(1) Light duty: Inmates determined to have long-term medical or psychiatric work limitations shall be processed in the following manner:

(A) A medical or psychiatric evaluation of the inmate shall be made to determine the extent of disability and to delineate capacity to perform work and training programs for either a full or partial workday. If the inmate is deemed capable of only a partial work program, full credit shall be awarded for participation in such a program.

(B) A classification committee shall review the evaluation and determine the inmate's assignment.

Existing subsection 3043.5(d)(1)(B)(1) is renumbered to 3043.5(e)(1)(B)(1) and is amended to read:

1. A committee concurring with an evaluation's light duty recommendation shall refer the matter to the facility's assignment office which shall attempt to provide an assignment within the inmate's capabilities. Inmate's assigned to such light duty shall be scheduled for semi-annual review.

2. A committee disagreeing with an evaluation's light duty recommendation shall refer the matter back to the medical department, describing the difference of opinion or rationale for requesting a second medical evaluation. If the committee disagrees with the second medical evaluation it shall refer the matter to the institution classification committee for final determination.

(2) Short-term medical/psychiatric lay-in or unassignment. Inmates who are ill or otherwise require a medical/psychiatric lay-in or unassignment for 29 days or less shall be processed in the following manner:

(A) Only designated medical/psychiatric staff are authorized to approve such lay-ins and unassignments. Reasons for the approval and the expected date of return to their regular assignment shall be documented by the medical/psychiatric staff making the decision.

(B) Inmates shall notify their work or training supervisor of their lay-in or unassignment status. The work or training supervisor shall record each day of the inmate's approved absence as an "E".

Subsection 3043.5(e)(2)(B)(1) is deleted.

~~1. Case records and staff shall deduct the necessary ETO and calculate time credits based on the inmate's work or training group status.~~

Subsection 3043.5(e)(2)(B)(2) is deleted.

~~2. If the inmate has insufficient ETO to cover all or part of the absence, case records staff shall change those days marked with an "E" that cannot be covered to an "A" and accordingly adjust the inmate's time credits.~~

(C) Medical/psychiatric staff determining an inmate should continue on lay-in or unassigned status for more than 29 days shall refer the case to a classification committee.

Subsection 3043.5(e)(2)(D) is amended to read:

(D) The inmate shall continue to ~~earn~~ use ETO time while on short-term medical/psychiatric lay-in or unassigned status.

Existing subsection 3043.5(e) is renumbered to 3043.5(f) and is unchanged.

(~~e~~f) On-the-job injuries. The chief medical officer shall document inmate injuries occurring on the job. With the exception of inmates assigned to Work Group F, such injured inmates shall retain their existing work group status until medically approved to return to their work assignment. Inmates assigned to Work Group F shall revert to Work Group A-1 effective on the date the chief medical officer determines the on-the-job injury excludes the inmate from conservation camp placement providing the chief medical officer's exclusion determination is within 29 days following the date of the inmate's removal from the conservation camp assignment. If the chief medical officer's exclusion determination is not within 29 days following the date of the inmate's removal from the conservation camp assignment, the inmate shall revert to Work Group A-1 effective the 30th day following the date of the inmate's removal from the conservation camp assignment.

Existing subsection 3043.5(f) is renumbered to 3043.5(g) and is unchanged.

(~~f~~g) Medical or psychiatric treatment categories "H", "I", and "N". An inmate assigned to category "H", "I", or "N" is not capable of performing a work or training assignment and shall, except where otherwise prohibited by law, be placed in Work Group A-1.

Existing subsection 3043.5(g) is renumbered to new subsection 3043.5(h) and is unchanged.

(gh) Department of Mental Health (DMH) Penal Code (PC) sections 1364, 2684, and 2690 placements. An inmate transferred to DMH pursuant to PC sections 1364, 2684, or 2690 shall be placed in a work group as provided in section 3043.6(b).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2933, 2933.3, 5054 and 5068, Penal Code.

3043.6. Impact of Transfer on Credit Earning.

(a) Non-adverse transfers.

(1) A non-adverse transfer is movement of an inmate to a less restrictive institution or program where the security level is the same or lower, movement to a secure perimeter from a non-secure camp or Level 1 (Minimum Support Facility) setting by order of the prison administration for non-adverse reasons or transfers from reception centers.

(2) With the exception of inmates assigned to Work Group F, an inmate transferred for non-adverse reasons shall retain their work/training and privilege group status. Inmates assigned to Work Group F shall revert to Work Group A-1 effective the date removed from camp assignment.

Subsection 3043.6(a)(3) is amended to read:

(3) An inmate in a vocational/training program at the sending institution shall be assigned the same or similar program, if eligible, at the receiving institution unless the program has no vacancy, or the program is unavailable. If the receiving institution's program is full or unavailable, the inmate shall be placed on any existing waiting list. If eligible, inmates on waiting lists at sending institutions shall be merged into the receiving institution's waiting list based on credit earning status, release date, and the length of time they have spent on the sending institution's waiting list. Inmates who are day-for-day eligible per Penal Code section 2933 shall be given priority for assignment. ~~The inmates shall be merged into the receiving institution's waiting list in the following manner, which shall include:~~

Subsection 3043.6(a)(4) is deleted.

~~(4) The receiving facility's initial classification committee shall grant appropriate time credits for the period of program interruption.~~

Existing subsection 3043.6(a)(4)(A) is renumbered to 3043.6(a)(3)(A) and is amended to read:

(A) First, those inmates ~~already placed into~~ who are day-for-day credit eligible, approved for the program at any institution and are not assigned, Work Group A-2. Inmates eligible to earn credits per Penal Code section 2933 shall be given priority for placement on waiting lists and the inmate with the earliest release date shall be given first priority. Such inmates shall be ranked by length of time in the program, starting with the inmate with the most time in the program.

Existing subsection 3043.6(a)(4)(B) is renumbered to 3043.6(a)(3)(B) and is amended to read:

(B) Second, those inmates ~~approved for the program but never~~ who are day-for-day credit eligible and are already assigned designated Work Group A-1. Such inmates shall be ranked by length of time approved, starting with the inmate approved for the longest period of time. Inmates eligible to earn credits per Penal Code section 2933 shall be given next priority for placement on waiting lists and the inmate with the earliest release date shall be given first priority.

New subsection 3043.6(a)(3)(C) is adopted to read:

(C) Third, those inmates who are not Penal Code section 2933 day-for-day credit eligible and are already designated Work Group A-1. Inmates will be placed on waiting lists based upon the work group effective date.

New subsection 3043.6(a)(3)(D) is adopted to read:

(D) Fourth, those inmates who are not Penal Code section 2933 day-for-day credit eligible and are not assigned, Work Group A-2. Inmates will be placed on waiting lists based upon the work group effective date.

Subsections 3043.6(b) and (c) are unchanged.

(d) Reception center or layover status.

Existing subsection 3043.6(d)(1) is renumbered to 3043.6(d)(2).

New subsection 3043.6(d)(1) is amended to read:

(1) Inmates being processed in reception centers, not on layover (en route) status, who are eligible to earn day-for-day credit per Penal Code section 2933, are eligible to be assigned to a full-time Bridging Education work/training program.

Existing subsection 3043.6(d)(1) is renumbered to 3043.6(d)(2) and is amended to read:

(2) An inmate being processed in reception centers, who are ineligible to earn day-for-day credits per Penal Code section 2933, can be assigned to half-time work/training programs. or an inmate on layover (en route) status in any institution shall only be assigned to half-time work/training programs. Exception to this policy requires approval from the deputy director, institutions division of adult institutions.

Existing subsection 3043.6(d)(2) is renumbered to new subsection 3043.6(d)(3) and is amended to read:

(3) An inmate's work participation on in a full or half-time assignment while undergoing reception center processing shall be recorded on the reception center's timekeeping logs form. This form inmates's timekeeping log shall be completed by the work supervisor and signed by the inmate on a daily basis. A copy shall be issued to the inmate upon written request.

Subsections 3043.6(e) and (f) are unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1364, 2684, 2690, 2933, 2933.3, 5054 and 5068, Penal Code.

3044. Inmate Work and Training Incentive Groups.

(a) Full-time and half-time defined.

(1) Full-time work/training assignments normally mean eight (8) hours per day on a five day per week basis, exclusive of meals.

(2) Half-time work/training assignments normally mean four (4) hours per day on a five day per week basis, exclusive of meals.

Subsection 3044(b) is amended to read:

(b) Consistent with the provisions of sections 3375 and 3040.2(d) of these regulations, all assignments or reassignments of an inmate to a work/training incentive group shall be by a classification committee action in accordance with this section.

(1) Work Group F: Full-time conservation camp work assignment. Inmates eligible to earn day-for-day worktime credits under Penal Code section 2933 shall be awarded two days credit for each day of qualifying performance. An inmate's ability to earn two-for-one credit shall not begin until he/she is assigned and reports to an established position in the conservation camp setting. Conservation camp inmates eligible for two-for-one credit, as defined in this section, may be eligible for Work Group F credit during temporary removals from the conservation camp setting. Inmates who become ineligible for continued conservation camp placement for any reason shall be removed from Work Group F and assigned to an appropriate Work Group consistent with the remaining provisions of this section.

Subsection 3044(b)(2) is amended to read:

(2) Work Group A-1: Full-time work/training assignment. Inmates eligible to earn Penal Code section 2933 worktime credits shall be awarded ~~six months worktime credits for each six months full time performance~~, one day credit for each day assigned to this work group, ~~of qualifying performance~~. The work day shall not be less than ~~six~~ 6.5 hours and the work week no less than ~~30~~ 32 hours. Those programs requiring an inmate to participate during other than the normal ~~hours~~ schedule of eight-hours-per-day, five-days-per-week (e.g., 10-hours-per-day, four-days-per-week) or programs that are scheduled for seven-days-per-week, requiring inmate attendance in shifts (e.g., three days of 10 hours and one day of five hours) shall be designated as "special assignments" and require departmental approval prior to implementation. A CDC Form 128-B or E chrono shall be placed in the inmate's central file stating the hours of participation required for

full-time sentence reduction credits. “Special assignment” shall be entered on the inmate’s ~~timecard~~ timekeeping log by the staff supervisor.

(A) Full-time educational and training program. Elementary school, high school, and vocational training programs require the same minimum hourly participation as the full-time work assignment.

(B) Combination programs qualifying as full-time. Any combination of half-time work, school or training program resulting in full-time assignment requires the same minimum participation as a regular full-time work assignment. Each combination half-time assignment requires the same minimum participation as a half-time work assignment.

Subsection 3044(b)(2)(C) is amended to read:

(C) A full-time college program may be combined with a half-time work or vocational training program equating to a full-time assignment. The college program shall consist of 12 units in credit courses only leading to an associate degree in two years or a bachelor’s degree in four years.

Existing subsection 3044(b)(2)(D) is renumbered to 3044(b)(2)(E).

New subsection 3044(b)(2)(D) is amended to read:

(D) A full-time Bridging Education Program requiring the same minimum participation as a regular full-time work/training assignment. Participation will be evaluated on course curriculum, instructor evaluation, and completed assignments.

Existing subsection 3044(b)(2)(D) is renumbered to 3044(b)(2)(E) and is amended to read:

(~~D~~E) An inmate diagnosed by a physician and/or psychiatrist as totally disabled and therefore incapable of performing a work/training assignment, shall remain in Work Group A-1 throughout the duration of their total disability.

Existing subsection 3044(b)(2)(E) is renumbered to 3044(b)(2)(F) and is unchanged.

(~~EF~~) An inmate when diagnosed by a physician and/or psychiatrist as partially disabled shall be assigned to a work/training assignment within the physical and/or mental capability of the inmate as determined by the physician and/or psychiatrist, unless changed by disciplinary action.

(3) Work Group A-2: Involuntarily unassigned.

An inmate willing but unable to perform in a full-time assignment shall receive three months credit for each six months served, or one day for each two days served, in the following status:

(A) The inmate is placed on a waiting list pending availability of a full-time work/training assignment.

(B) An unassigned inmate awaiting adverse transfer to another institution.

Subsection 3044(b)(4) is amended to read:

(4) Work Group B: Half-time work/training assignment. Half-time programs shall normally consist of a work/training assignment of four hours per workday, excluding meals, five-days-per-week, or full-time enrollment in college consisting of 12 units in credit courses leading to an associate or bachelor's degree. The work day shall be no less than three hours and the work week no less than 15 hours.

(5) Work Group C: Voluntary unassigned. Zero credit.

(A) An inmate who refuses to accept or perform in a work/training assignment, or who is deemed a program failure as defined in Section 3000, and who is placed on non-credit earning status by a classification committee shall earn zero worktime credits.

(B) An inmate shall remain in zero credit earning status until classified for placement in a credit qualifying work group. An inmate must submit a written request for reclassification to be considered for assignment and removal from Work Group C no earlier than 30 days from date of placement. The inmate shall be scheduled for a hearing within 30 days of receipt of the written request.

Subsection 3044(b)(6) is amended to read:

(6) Work Group D-1: Indeterminate lockup status. Except as provided in section 3044(b)(7)(C), an inmate assigned to a segregated housing program, shall be awarded three months credit for each six months served or one day credit for two days served.

Segregated housing shall include, but not be limited to, the following:

(A) Administrative Segregation Unit (ASU).

(B) Security Housing Unit (SHU).

(C) Psychiatric Services Unit (PSU).

(7) Work Group D-2: Serving SHU term, deemed a program failure while on indeterminate or determinate lockup status, or voluntarily unassigned at the time of or subsequent to placement in ASU, SHU, or PSU. Zero credit.

(A) An inmate assigned to a determinate SHU term which included a forfeiture of credits shall not be placed in a credit earning assignment during the period of credit forfeiture or 180 days, whichever is less, starting from the date of change in custodial classification. An inmate confined in a secure housing unit for a division A-1 offense, as designated in section 3323(c) of these regulations, and which included great bodily injury on a non-prisoner shall not receive participation or work-time credits for up to 360 days. Upon completion of the period of credit forfeiture, the inmate shall be re-evaluated by a classification committee.

(B) An inmate's status in Work Group D-2 may be extended, in up to six-month increments, by a classification committee in unusual cases where no credit qualifying program can be assigned the inmate without causing a substantial risk of physical harm to staff or others. At the end of the designated period (six months or less), the determination shall be reviewed by an institution classification committee.

(C) An inmate in ASU, SHU, or PSU, on indeterminate or determinate lockup status, who is deemed a program failure as defined in section 3000, may be assigned Work Group D-2 by a classification committee. An inmate assigned to Work Group C at the time of placement in ASU, SHU, or PSU, or who refuses to accept or perform

work/training assignments, shall be assigned Work Group D-2. An inmate assigned to Work Group D-2 pursuant to this section must submit a written request for reclassification to be considered for removal from that Work Group. If Work Group D-2 has been assigned based solely upon the inmate already being assigned to Work Group C at the time of placement in ASU, SHU, or PSU, the request may be submitted no earlier than 30 days from the original Work Group C assignment date. If Work Group D-2 has been assigned following placement into ASU, SHU, or PSU, for refusing to accept or perform a work/training assignment, or for being deemed a program failure as defined in section 3000, the request for removal must be submitted no earlier than 30 days from the date Work Group D-2 was assigned. Subsequent to the mandatory 30 days placement on Work Group D-2, if the inmate submits a written request for removal, and Work Group D-2 has not been assigned pursuant to section 3044(b)(7)(A) or 3044(b)(7)(B), a hearing shall be scheduled within 30 days of receipt of the written request to consider removal from Work Group D-2.

Subsection 3044(b)(8) is amended to read:

(8) Work Group U: Unclassified. An inmate undergoing reception center processing is in this status from the date of their reception until classified at their assigned institution, unless the inmate is assigned to a full-time Bridging Education Program as described in this section. An inmate on unclassified status shall be granted three months credit for each six months served or one day credit for each two days served.

Subsection 3044(c) is amended to read:

(c) Privileges. Privileges for each work/training incentive group shall be those privileges earned by the inmate. Inmate privileges are administratively authorized activities and benefits required of the ~~director~~ secretary, by statute, case law, governmental regulations, or executive orders. Inmate privileges shall be governed by an inmate's behavior, custody classification and assignment. A formal request or application for privileges is not required unless specified otherwise in this section. Institutions may

provide additional incentives for each privilege group, subject to availability of resources and constraints imposed by security needs.

(1) To qualify for privileges generally granted by this section, an inmate shall comply with rules and procedures and participate in assigned work/training activities.

(2) Privileges available to a work/training incentive group may be denied, modified, or temporarily suspended by a hearing official at a disciplinary hearing upon a finding of an inmate's guilt for a disciplinary offense as described in sections 3314 and 3315 of these regulations or by a classification committee action changing the inmate's custody classification, work/training group, privilege group, or institution placement.

Subsection 3044(c)(1)(3) is amended to read:

(3) Disciplinary action denying, modifying, or suspending a privilege for which an inmate would otherwise be eligible shall be for a specified period not to exceed 30 days for an administrative rule violation or 90 days for a serious rule violation.

(4) A permanent change of an inmate's privilege group shall be made only by classification committee action under provisions of section 3375. Disciplinary or classification committee action changing an inmate's privileges or privilege group shall not automatically affect the inmate's work/training group classification. Worktime credit earning shall be affected only by a work/training group change by a classification committee.

(5) No inmate or group of inmates shall be granted privileges not equally available to other inmates of the same custody classification and assignment who would otherwise be eligible for the same privileges.

(6) Changes in privilege group status due to the inmate's placement in lockup:

Subsection 3044(c)(6)(A) is amended to read:

(A) An inmate housed in an ASU, SHU, or PSU shall be designated Privilege Group D. However, if assigned to a qualifying work/training program within the special

housing unit, the inmate shall be assigned privileges of a higher group, if such privileges are available within the assigned housing unit.

Subsections 3044(c)(6)(B) through 3044(d)(3)(B) are unchanged.

Subsection 3044(d)(3)(C) is amended to read:

(C) Maximum monthly canteen draw as authorized by the ~~director~~ secretary.

Subsections 3044(d)(3)(D) through 3044(e)(3)(B) are unchanged.

Subsection 3044(e)(3)(C) is amended to read:

(C) One-half the maximum monthly canteen draw as authorized by the ~~director~~ secretary.

Subsections 3044(e)(3)(D) through (e)(3)(G) are unchanged.

(f) Privilege Group C:

(1) Criteria, any of the following:

(A) The inmate who refuses to accept or perform in a work/training assignment or is deemed a program failure as defined in section 3000.

(B) A hearing official may temporarily place an inmate into the group as a disposition pursuant to section 3314 or 3315.

(C) A classification committee action pursuant to section 3375 places the inmate into the group. An inmate placed into Privilege Group C by a classification committee action may apply to be removed from that privilege group no earlier than 30 days from the date of placement. Subsequent to the mandatory 30 days placement on Privilege Group C, if the inmate submits a written request for removal, a hearing shall be scheduled within 30 days of receipt of the written request to consider removal from Privilege Group C.

(2) Any inmate in Privilege Group C shall not be issued a privilege card.

(3) Privileges and non-privileges for Privilege Group C are as follows:

(A) No family visits.

Subsection 3044(f)(3)(B) is amended to read:

(B) One-fourth the maximum monthly canteen draw as authorized by the ~~director~~
secretary.

(C) Telephone calls on an emergency basis only as determined by institution/facility staff.

(D) Yard access limited by local institution/facility security needs. No access to any other recreational or entertainment activities.

Subsection 3044(f)(3)(E) is deleted.

~~(E) No accrual of excused time off.~~

Existing subsection 3044(f)(3)(F) is renumbered to 3044(f)(3)(E) and is unchanged.

~~(FE)~~ No personal property packages.

(g) Privilege Group D:

(1) Criteria: Any inmate housed in a special segregation unit, voluntarily or under the provisions of sections 3335-3345 of these regulations who is not assigned to either a full-time or half-time work/training assignment.

(2) An inmate in Privilege Group D shall not be issued a privilege card.

(3) Any inmate removed from the general population due to disciplinary or administrative reasons, shall forfeit their privilege card and privileges within their general population privilege group pending review by a classification committee.

(4) Privileges and non-privileges for Privilege Group D are as follows:

(A) No family visits.

Subsection 3044(g)(4)(B) is amended to read:

(B) One-fourth the maximum monthly canteen draw as authorized by the ~~director~~
secretary.

(C) Telephone calls on an emergency basis only as determined by institution/facility staff.

(D) Yard access limited by local institution/facility security needs. No access to any other recreational or entertainment activities.

Subsection 3044(g)(4)(E) is deleted.

~~(E) No accrual of excused time off.~~

Existing subsection 3044(g)(4)(F) is renumbered to 3044(g)(4)(E) and is unchanged.

~~(F)~~ The receipt of one personal property package, 30 pounds maximum weight, per year, exclusive of special purchases as provided in Section 3190. Inmates shall be eligible to acquire a personal property package after completion of one year of Privilege Group D assignment.

(h) Privilege Group U:

(1) Criteria: Reception center inmates under processing.

(2) An inmate in this category shall not be issued a privilege card.

(3) Privileges and non-privileges for Privilege Group U are:

(A) No family visits.

Subsection 3044(h)(3)(B) is amended to read:

(B) Canteen Purchases. One-half of the maximum monthly canteen draw as authorized by the ~~director~~ secretary.

(C) Telephone calls on an emergency basis only as determined by institution/facility staff.

(D) Yard access, recreation, and entertainment limited by local institution/facility security needs.

Subsection 3044(h)(3)(E) is amended to read:

(E) Excused time off as described in section 3045.2 ~~No accrual of excused time off.~~

(F) No personal property packages.

Subsection 3044(i) is unchanged.

NOTE: Authority cited: Sections 2700, 2701 and 5058, Penal Code. Reference: Sections 2932, 2933, 2933.3, 2935, 5005, 5054 and 5068, Penal Code; and *In re Monigold*, 205 Cal.App.3d 1224 (1998).

3045. Timekeeping and Reporting.

Subsection 3045(a) is amended to read:

(a) Inmate timekeeping logs ~~cards~~. The ~~daily credit earnings attendance~~ of each inmate assigned to a credit qualifying assignment shall be recorded daily on an approved timekeeping log CDC Form 191 (Rev. 11/85), Inmate Time Card. If the assignment began or ended during the reporting month, the date(s) of such activity shall be recorded on the ~~form~~ timekeeping log. Only the symbols designated on the timekeeping log CDC Form 191 shall be used to document the inmate's attendance status. The symbol(s) and applicable hours for each day shall be recorded in the space corresponding to the calendar day. This log shall be the reference for resolving inmate complaints or appeals and shall be retained at a secure location designated by the facility management for a period of 4 years from the date of completion.

Subsection 3045(a)(1) is amended to read:

(1) Staff shall record the work or training time and absences of each inmate assigned to their supervision ~~on the CDC Form 191~~ each day as they occur. At intervals designated by the institution head, the supervisor shall:

Subsection 3045(a)(1)(A) is amended to read:

(A) Enter the totals ~~for days credit~~, hours worked and ETO hours used in the designated columns of the timekeeping log ~~each form~~.

Subsection 3045(a)(1)(B) is amended to read:

(B) Sign the log ~~form~~ to authenticate the information.

Subsection 3045(a)(1)(C) is amended to read:

(C) Forward the log ~~form~~ to the division head for review and approval.

Subsection 3045(a)(2) is amended to read:

(2) Mismanagement or falsification of an inmate timekeeping log ~~card~~ may result in adverse action and/or prosecution.

Existing subsection 3045(b) is deleted:

~~(b) Work supervisor's time log. Staff shall record the work or training time and absences of each inmate assigned to their supervision on a CDC Form 1697 (Rev. 2/91), Inmate Work Supervisor's Time Log, each day as these events occur. This log shall be the reference for resolving inmate complaints or appeals concerning work credits. CDC Form 1697 shall be retained at a secure location designated by the facility for 12 months from date of completion.~~

Existing subsection 3045(c) is renumbered to 3045(b) and amended to read:

~~(e**b**) Security of timekeeping cards and logs. Inmates shall not have unauthorized access nor attempt to access to any timekeeping logs CDC Forms 191 or 1697.~~

NOTE: Authority cited: Sections 2700, 2701, and 5058, Penal Code. Reference: Sections 2932, 2933, 2935, 5005, 5054, and 5068, Penal Code; and In re Monigold, 205 Cal.App.3d 1224.

3045.1. Timekeeping for Inmates in Administrative Segregation.

(a) A classification committee shall evaluate the reasons for an inmate's administrative segregation (ad. seg.) placement to ensure appropriate worktime credits are awarded the inmate. If the placement was for:

Subsection 3045.1(a)(1) is amended to read:

(1) A disciplinary infraction for which the finding was not guilty or pending an investigation where the inmate was released, ~~"S" time shall be credited for that affected period based on~~ the inmate's shall retain their work/training group status at the time of their placement in ad. seg. unless otherwise impacted by a classification or disciplinary action.

(2) A disciplinary infraction for which the finding was guilty and the assessment of a SHU term, the inmate shall be placed in Work Group D-2 for the period of the credit loss assessment effective the date of their placement in ad. seg.

NOTE: Authority cited: Sections 2700, 2701 and 5058, Penal Code. Reference: Sections 2932, 2933, 2935, 5005, 5054 and 5068, Penal Code; and In re Monigold, 205 Cal.App.3d 1224.

3045.2. Excused Time Off (ETO).

Subsection 3045.2(a) is amended to read:

(a) It is the policy of the California Department of Corrections that inmates assigned to work/training, groups A-1 and B may ~~accumulate~~ use excused time off (ETO) ~~as an incentive during approved absences from their assigned work/training assignment~~ in the manner set forth in this article. ~~Excused time off is earned by each inmate assigned to a work/training assignment for not less than 20 calendar days.~~

Existing subsection 3045.2(b) is deleted.

~~(b) Inmates assigned to work Group A earn 16 hours of ETO per month. Inmates assigned to Work Group B earn eight hours per month. ETO shall be computed on a monthly basis. Work Group A inmates may accumulate no more than 192 hours and Work Group B inmates no more than 96 hours. Accumulated ETO up to a maximum allowed shall not be forfeited.~~

Existing subsection 3045.2(c) is renumbered to 3045.2(b) and is amended to read:

~~(c)~~ (b) Excused time off (ETO) shall be authorized by the work supervisor/employer in no less than 15-minute ~~two-hour~~ increments. The inmate shall not be required to use excused time off for any service that the department requires. An inmate who is ill and requires a medical lay-in or is short term medically unassigned for 29 days or less shall use ~~utilize~~ ~~accrued~~ ETO.

Existing subsection 3045.2(d) is renumbered to 3045.2(c) and is amended to read:

~~(d)~~ (c) Inmates who are ill may use ETO, ~~accumulated days~~ but will be responsible for notifying the work/training supervisor. Sick time must be approved/authorized by the appropriate institution medical authority. Upon becoming capable of performing medically unrestricted work activities the inmate will be given priority to resume his/her

previous assignment. If the assignment is not immediately available, the inmate will be placed in an assignment in his/her previous work/training group category.

Existing subsection 3045.2(e) is renumbered to 3045.2(d) and is amended to read:

(~~ed~~) Authorized uses of ETO. Excused time off may be approved by work/training supervisors only for the below stated reasons. A proposal to use ETO for any other reason requires approval by the ~~director~~ secretary.

(1) Family visiting. An inmate scheduled for a family visit may be permitted to visit in the visiting room (regular visit) on the first day of a family visit while awaiting processing, and on the last day of the family visit.

(2) Regular visiting under extraordinary circumstances. Following are extraordinary circumstances for which use of ETO is authorized:

(A) Out-of-state visitors. Upon substantiation that the visitor(s) resides out-of-state and is in California for a temporary stay of 30 days or less, and the visitor(s) has not visited with the particular inmate for four months. No more than two such visits shall be permitted for each such occurrence.

(B) Excessive distance. When a visitor must travel a distance of 250 miles or more, and has not visited the inmate within the last 30 days.

(C) Weddings. When an inmate marries, the inmate may, with five working days prior approval, use ETO for a visit on the wedding day.

(D) Handicapped. When a visitor is handicapped as defined by California law and must rely on special transportation to the institution. Approval is required five working days prior to the visit.

(E) Family emergencies. When death, serious illness or injury occurs to an inmate's immediate family member, clergymen, family members or close friends may visit the inmate to offer condolences or inform the inmate of the occurrence.

(F) Infrequent visits. When a visitor unexpectedly arrives who has not visited in the last six months, the visit will be considered an infrequent visit.

(G) Visiting during authorized absence. An inmate shall be permitted to visit using ETO during approved periods away from assignment involving circumstances beyond the inmate's control. (Refer to section 3045.3 of these regulations.)

(H) Work assignment conflicts. When the inmate has not received a visit in the last 30 days and would otherwise be prohibited from visiting because of a conflict in work, training, or education assignment.

(3) Temporary community leave.

(4) Special religious functions, other than routine services.

(5) Non-routine recreation and entertainment activities.

(6) Emergency telephone access.

Existing subsection 3045.2(f) is deleted:

~~(f) Work Group A inmates, whose work/training assignment requires them to work on any holiday listed in Government Code Section 19853 shall be credited one day ETO for each holiday worked. Work Group B inmates shall be credited four hours ETO for each holiday worked.~~

Existing subsection 3045.2(g) is deleted:

~~(g) Inmates assigned to work/training Group A or B will not forfeit excused time off as a result of a disciplinary or as the result of the inmate voluntarily changing his/her work group.~~

Existing subsection 3045.2(h) is renumbered to 3045.2(e) and is unchanged.

~~(h)~~ Excused time off applies only to authorized time away from the work/training assignment.

Existing subsection 3045.2(i) is renumbered to 3045.2(f) and is unchanged.

~~(i)~~ An inmate shall receive pay only for actual hours worked, and not for excused time off.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601, 2620, 2621, 2931, 2933 and 5054, Penal Code.

3045.3. "S" Time.

Subsection 3045.3(a) is amended to read:

(a) "S" time ~~credit~~ shall be ~~applied~~ noted on timekeeping documents for to an authorized absence from the inmate's work/training assignment by order of the prison administration. The inmate shall receive sentence-reducing credit commensurate with their designated work group that would have been earned if the inmate had been able to work. Inmates who are removed from their work/training assignment for the reasons noted below, shall retain their existing work/training group status unless otherwise impacted by a classification committee or disciplinary action.

Subsection 3045.3(b) is amended to read:

(b) "S" time ~~credit~~ shall be authorized only for the following:

- (1) Institutional lockdown.
- (2) Emergency recall.
- (3) Attorney visits.

Existing subsection 3045.3(b)(4) is deleted:

~~(4) Administrative segregation for which the inmate is held not responsible by disciplinary or classification hearing process.~~

Existing subsections 3045.3(b)(5), (b)(6), (b)(7), (b)(8), (b)(9), (b)(10), (b)(11), (b)(12), (b)(13), (b)(14), (b)(15), (b)(16), (b)(17), (b)(18), (b)(19), (b)(20), (b)(21), and (b)(22), are renumbered to 3045.3(b)(4), (b)(5), (b)(6), (b)(7), (b)(8), (b)(9), (b)(10), (b)(11), (b)(12), (b)(13), (b)(14), (b)(15), (b)(16), (b)(17), (b)(18), (b)(19), (b)(20), and (b)(21) respectively and are unchanged.

- ~~(54)~~ Fog or inclement weather conditions.
- ~~(65)~~ Work/training supervisor's absence when no relief supervisor is provided.
- ~~(76)~~ Removed to out-to-court status.
- ~~(87)~~ Three working days prior to transfer to another institution.
- ~~(98)~~ Ten working days prior to parole or discharge, including institution base camps.

Conservation camp inmates shall receive 15 days "S" time prior to release.

(~~409~~) Thirty working days prior to parole or discharge of an inmate serving a term in another jurisdiction.

(~~41~~10) Appearances at classification hearings or casework interviews which cannot be reasonably conducted during the inmate's off-duty hours.

(~~42~~11) Staff interviews with inmates regarding a death or emergency involving a member of their immediate family as defined in section 3000.

(~~43~~12) Emergency or life-threatening medical or dental treatment.

(~~44~~13) A temporary interruption or delay in the inmate's work/training assignment which is no fault of the inmate.

(~~45~~14) Medical consultant appointments with other than state employees.

(~~46~~15) Inmate match job development and initial screening interview.

(~~47~~16) Board of Prison Terms' hearings.

(~~48~~17) Interviews with representatives of other governmental agencies.

(~~49~~18) Delay in reporting to work/training assignment because of delayed meal schedule, unlocks, and clearing of the institutional count.

(~~20~~19) Interview for staff preparation of a Penal Code Section 1170(d) report to the court.

(~~24~~20) Temporary leave processing for a family emergency.

(~~22~~21) A serious disciplinary hearing if overtime would be required for a staff witness to attend the hearing.

Existing subsection 3045.3(b)(23) is renumbered to 3045.3(b)(22) and amended to read:

(~~23~~22) Authorizations for any reason not listed in this section shall be considered on a case-by-case basis and require approval of the ~~director~~ secretary or their designee.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 673, 1170, 2690, 2933 and 5054, Penal Code.

3075. Initial Intake.

(a) Inmates received by the department shall be accompanied by either a copy of the minute order or an abstract of the judgment certified by the clerk of the court or judge. The inmate's identity shall be verified by staff to prevent inadvertent acceptance of a person not legally committed to the department.

(b) Upon staff's receipt of an inmate's cash, personal securities and property, a CDC Form 104 (Rev. 4/77), Inmate Property and Cash Receipt – Arrival, shall be completed.

(c) Each inmate shall be photographed and an identification card prepared. The identification photo shall be updated every five years or when there is a distinct change in the inmate's physical appearance. An inmate who noticeably changes his/her appearance will be charged for the cost of the updated identification photo/card, if the distinct change occurs anytime within the five year period.

Subsection 3075(d) is amended to read:

(d) Each inmate shall be informed of the departmental grooming standards and afforded an opportunity to comply prior to being photographed. Each inmate will be advised that failure to comply with departmental grooming standards may result in the issuance of an administrative rule violation report and that a repeated pattern of administrative rule violations, may result in the inmate being deemed a program failure pursuant to section ~~3062~~ 3000. The processing officer will document on a CDC 128-B, General Chrono, the inmate's refusal to comply with the departmental grooming standards. The CDC 128-B will be forwarded to records for the inmate's initial classification committee review.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1216, 2081.5, 2901, 3058.5, 4537 and 5054, Penal Code.